

Bill No. G-84-03-11

GENERAL ORDINANCE NO. G-11-84

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a street thereof.

WHEREAS, a petition to vacate a street within the City of
Fort Wayne (as more specifically described below) was duly filed with the
City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon;
and,

WHEREAS, said Commission has duly forwarded its recommendation
to this body approving said petition, all in accordance with I.C.
36-7-4-512(2) and this body having held a public hearing on said vacation
as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City
Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public street within the City of Fort Wayne, more specifically described
as follows, to-wit:

Jefferds Avenue, from its point of intersection
with the East line of Sidney Street and the South-
westerly right-of-way line of East Washington Boulevard
all in Lincoln Highway Park Addition to the City of
Fort Wayne

and which vacating amends the Thoroughfare Plan of the City Comprehensive
("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage, any and all necessary approval by the
Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

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Page two

** Public hearing to be held on _____, the _____
day of _____, 1984, in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 3-13-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stew, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 6-12-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) — (APPROPRIATION) (GENERAL) (SPECIAL) — (ZONING MAP) ORDINANCE (RESOLUTION) NO. 11-11-84 on the 12th day of June, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1984, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of June, 1984, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

73-241-15
12/21/83

PETITION TO VACATE A PORTION OF JEFFERDS AVENUE
WITHIN THE CITY OF FORT WAYNE, INDIANA

TO: THE PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The City of Fort Wayne, Indiana, by and through its Department of Public Works, does hereby petition the Plan Commission of the City of Fort Wayne to vacate the following street located within the City of Fort Wayne, Indiana, and described as follows:

Jeffers Avenue, from its point of intersection with the East line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard, all in Lincoln Highway Park Addition to the City of Fort Wayne

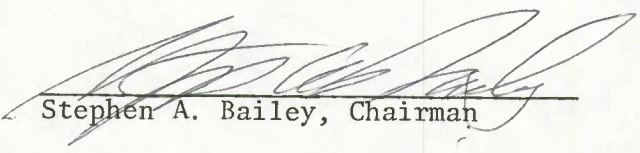
Your petition represents that the street is not necessary as ingress or egress to other properties whatsoever; that said street is unopened and unimproved; that the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

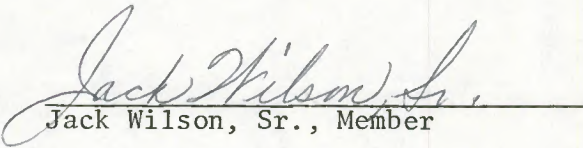
WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 21st DAY OF December 19 83

CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS


Stephen A. Bailey, Chairman


Betty R. Collins, Member


Jack Wilson, Sr., Member

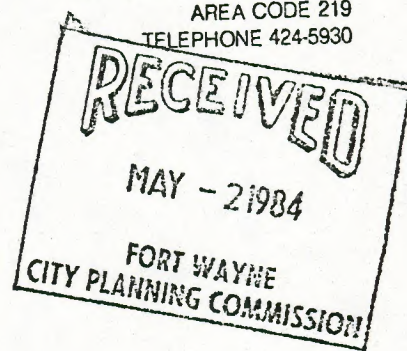
BLOOM & BLOOM

ATTORNEYS AT LAW

A. EVERETT BLOOM
ALTON L. BLOOM
ALLAN E. BLOOM
A. DALE BLOOM
JAMES M. MORE
WARD W. MILLER

1514 ANTHONY WAYNE BANK BLDG.
FORT WAYNE, INDIANA 46802
AREA CODE 219
TELEPHONE 424-5930

April 9, 1984



Mr. Gary Baeten
Senior Planner, Land Use
Community Development & Planning
Room 830 City-County Building
One Main Street
Fort Wayne, Indiana 46802

IN RE: The Vacation of a Portion of Jefferds Avenue

Dear Mr. Baeten:

Our office represents Ernst Realty & Investment Co., Inc. and Eva M. Ernst. It is my understanding that Mr. James A. Ernst appeared before the Plan Commission in March and presented testimony concerning the vacation of a portion of Jefferds Avenue which was originally heard sometime ago but was inadvertently never finalized. In furtherance of that procedure and the completion thereof, it is my understanding that you have requested a letter from the adjoining property owners indicating that they will not build, construct or make any permanent improvements to that area which is to be partially vacated known as Jefferds Avenue. This particular section of the street is abutted by property owned by Eva M. Ernst as well as Ernst Realty & Investment Co. and Ralph H. Bentz and Glen I Bentz.

The undersigned, then as owners of the real estate abutting that portion of Jefferds Avenue which is to be vacated hereby represent they have read the contents of this letter being submitted to you and agree with the terms and conditions as outlined herein. Should you require any further information or materials, please feel free to be in further contact with me.

Very truly yours,

BLOOM & BLOOM

A. Dale Bloom

A. Dale Bloom

ADB:sp

We, the undersigned have read this correspondence and concur with the representations made herein.

Eva M. Ernst
Eva M. Ernst

ERNST REALTY & INVESTMENT CO., INC.

By: *James A. Ernst*
James A. Ernst, President

Mr. Gary Baeten
April 9, 1984
Page Two

We, the undersigned have read the foregoing correspondence and
concur with the representations made therein.

Ralph H. Bentz
Ralph H. Bentz

Dated: 4/20/84

Glen I Bentz
Glen I Bentz

Dated: 5-1-84

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R E S O L U T I O N 74-39-12

WHEREAS, the CITY OF FORT WAYNE has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a public street situated in Fort Wayne, Allen County, to-wit:

Jefferds Avenue, from its point of intersection with the East line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard all in Lincoln Highway Park Addition to the City of Fort Wayne,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1974, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of public street hereinbefore described conforms to the general policy and pattern development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester, Chairman, of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held Wednesday, May 16, 1984 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 16th DAY OF May 1984

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester

David J. Kiester, Chairman

Betty R. Collins, Member

Frank W. Heyman

Frank W. Heyman, Member

cc - Max Van Camp

R E S O L U T I O N

WHEREAS, the CITY OF FORT WAYNE has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, Indiana, to-wit:

Jefferds Avenue, from its point of intersection with the East line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard all in Lincoln Highway Park Addition to the City of Fort Wayne,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 19, 1984, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of public street.

WHEREAS, said vacation of the portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of public street or part thereof for the vacation and operation of its utility facility shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

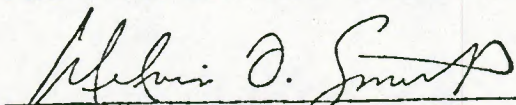
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of public street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true, and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 26, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 15th DAY OF May 19 84

FORT WAYNE CITY PLAN COMMISSION



Melvin O. Smith, Secretary

BILL NO. G-84-03-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a street thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

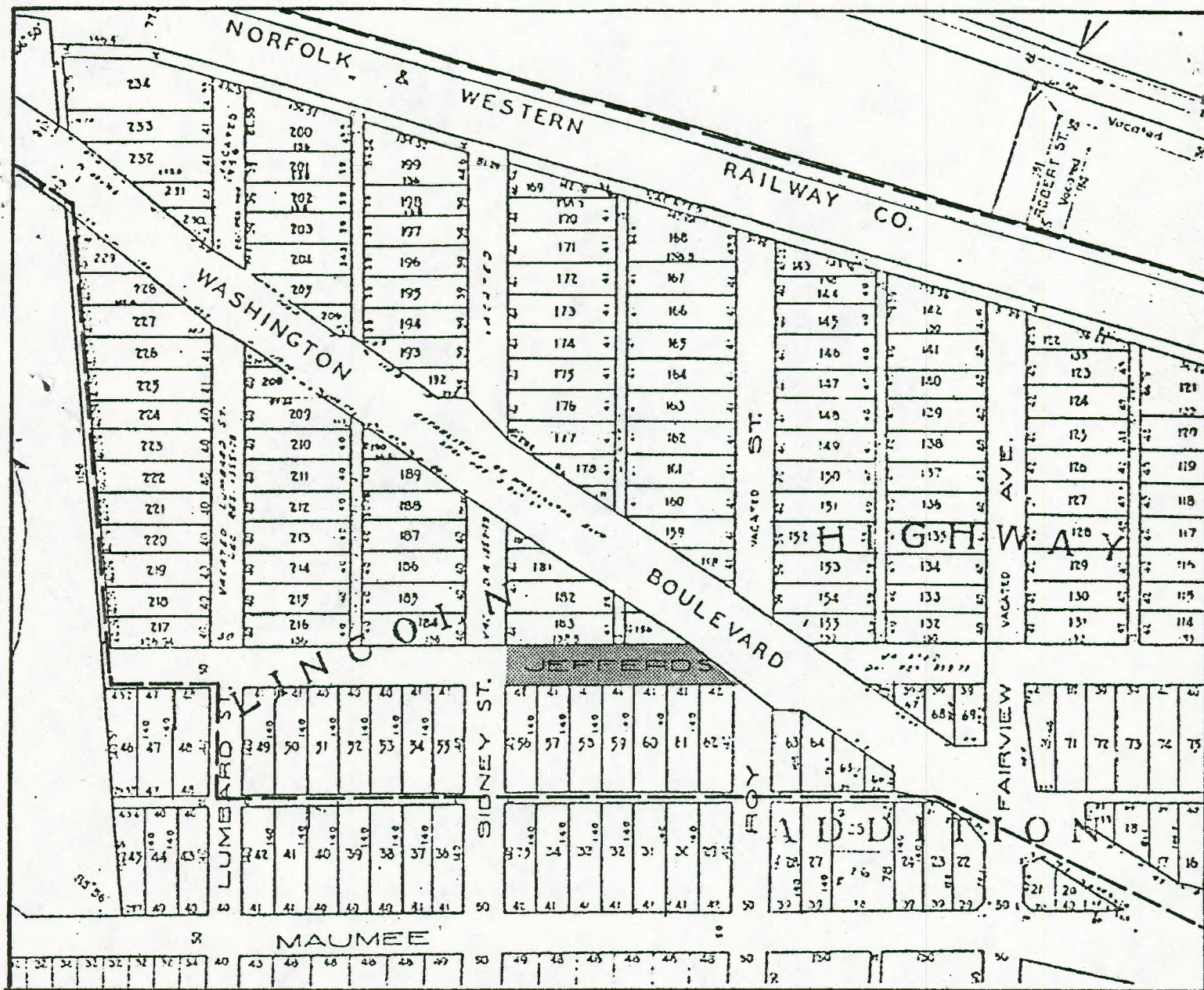
MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury
Samuel J. Talarico
Charles B. Redd
Mark E. Giaquinta
James S. Stier

CONCURRED IN

6-12-84
SANDRA L. KENNEDY, CITY CLERK



■ A PETITION TO VACATE THE ABOVE DESCRIBED PORTION OF STREET.

MAP NO. Q-6

G-84-03-11





The City of Fort Wayne
DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

15 May 1984

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) portion of a street vacation ordinance acted upon by the City Plan Commission at their regular meeting held March 26, 1984. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-84-03-11
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS

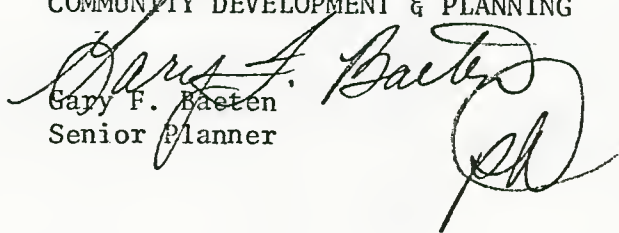
This ordinance received a DO PASS recommendation for the following reason:

REASON: The approval of this vacation will not adversely affect the general policy and pattern of development set out in the Comprehensive Plan.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

DIGEST SHEET

Admn. Appr. _____

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

84-03-11

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Portion of Jefferds Street.

50' x 270' or 13,500 sq.ft. or 0.31 Acres

Councilmanic District #1

Adjacent Property Owner: James Ernest / RR #3 / Syracuse, IN

Ralph Bentz -

Glen Bentz - Lots 60, 61 & 62

EFFECT OF PASSAGE Property is now public right-of-way. Property will be closed
for public use and revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____



The City of Fort Wayne

May 25, 1984

City Plan Commission
8th Floor
City-County Building

NOTICE OF PUBLIC HEARING ON BILL NO. G-84-03-11

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, June 12, 1984, at 7:30 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Jefferds Avenue, from its point of intersection with the east line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard, all in Lincoln Highway Park Addition to the City of Fort Wayne.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

May 25, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of May 29, 1984, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-84-03-11
Vacation of a street

Please send us 5 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-84-03-11)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, June 12, 1984, at 7:30 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Jefferds Avenue, from its point of intersection with the east line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard, all in Lincoln Highway Park Addition to the City of Fort Wayne.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Petitioner/Agent: City of Fort Wayne

FOX RIVER BOND
25% COTTON

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, March 19, 1984 at 7:00 P.M. (EST) in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of public right-of-way.

Jefferds Avenue, from its point of intersection with the east line of Sidney Street and the Southwesterly right-of-way line of East Washington Boulevard, all in Lincoln Highway Park Addition to the City of Fort Wayne.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	4
Body	number of lines	17
Tail	number of lines	3
Total number of lines in notice		24

COMPUTATION OF CHARGES

24 lines, 1 columns wide equals 24 equivalent lines at 230¢	\$ 5.52
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra	1.50
TOTAL AMOUNT OF CLAIM	\$ 7.02

DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose
CLERK

Date May 29, 1984

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows:

5/29/84

Subscribed and sworn to me before this 29th day of May 1984

Anne M. Perkins
Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL
(BILL NO. G-84-03-11)
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk
5-29

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	4
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TOTAL AMOUNT OF CLAIM \$ 7.02

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose
Date May 29, 19 84 Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

5/29/84
Subscribed and sworn to me before this 29th day of May 19 84
Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL
(BILL NO. G-84-03-11)
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk
5--29